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In re Application of
MILNER et al.
Application No.: 09/914,452
PCT No.: PCT/GB00/00685
Int. Filing Date: 28 February 2000
Priority Date: 29 February 1999
Attorney Docket No.: 9052.18
For: MANAGEMENT OF MIXED WASTE
RESIDUALS FROM
DECONTAMINATION OF METALS

COMMUNICATION

This is communication is in response to the papers filed in the Patent and Trademark Office (PTO) on 31 May 2002.

BACKGROUND

On 28 February 2000, applicant filed international application PCT/GB00/00685 which claimed a priority date of 29 February 1999. The international application listed Timothy N. Milner; Rebecca A. Robbins; Robert G. Holmes; Stuart Shealy; Edward Morren; and Colin R. Austin as inventors. A Demand for international preliminary examination was filed prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States at midnight on 29 August 2001.

On 27 August 2001, applicant filed a transmittal for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); the international application; a preliminary amendment; and an information disclosure statement.

On 15 November 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.492(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 31 May 2002, applicant filed a combined declaration and power of attorney and a four-month extension of time. The declaration was executed by the seven inventors, however, the sixth inventor name had been corrected to read: CHARLES Edward Morren.

DISCUSSION

A review of the declaration reveals that the correct name of the sixth inventor is CHARLES Edward Morren. In that this is clearly more than a mere typographical error or a phonetic misspelling of applicant's given name on the published international application, a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition must be accompanied by the requisite petition fee of \$130 as well as verified statements from the inventor and any other persons having firsthand knowledge of the error. These statements must set forth the specific circumstances as to how and when the error was made and discovered, and must also set forth that the mistake was an inadvertent error without deceptive intent.

If the inventor's name has since changed, applicant must file a petition under 1.182 in accordance with MPEP 605.04(c) in order to accept the previously filed declaration.

CONCLUSION

For the reasons above, the request is DISMISSED without prejudice.

If reconsideration of this decision is desired, a proper response must be filed within ONE (1) MONTH from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Petition Under 37 CFR 1.182", and must include the requisite petition fee and an acceptable explanation of the facts as discussed above. Failure to file a proper response in a timely manner will result in ABANDONMENT of the application. No extension of time will be granted under 37 CFR 1.136.

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, and address the contents of the letter to the attention of the PCT Legal Office.



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